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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 January 1994, at 10.30 a.m.

Temporary Chairman: Mr. ENNACEUR (Tunisia)

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-10496 (E)

The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fiftieth session of the Commission on Human Rights.

Tribute to the memory of Mr. Julian Palacios, head of the delegation of Spain to the Commission on Human Rights

2. Mr. GARRETÓN (Chile), speaking on behalf of the Latin American Group, paid tribute to the memory of Mr. Julian Palacios, who had recently died.

3. On the proposal of the Temporary Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Julian Palacios, head of the delegation of Spain to the Commission on Human Rights.

4. The TEMPORARY CHAIRMAN said that, while the fiftieth session of the Commission was an anniversary that deserved celebration, it should also serve as an occasion for starting a substantive debate as to whether the Commission's activities and working methods were in tune with a changing reality. A critical examination was all the more appropriate in that the year 1993 had given cause for both concern and optimism.

5. Despite the many urgent resolutions adopted by the Commission, the World Conference on Human Rights, the General Assembly and the Security Council, no progress had been made towards putting an end to the tragedy of the Bosnian people. International public opinion was nauseated by so much passivity, procrastination and impotence. If States with the capacity and duty to intervene did not do so rapidly and effectively and if the international community continued merely adopting resolutions that remained dead letters, those States would bear a heavy responsibility for the tragic situation of the Bosnian people, and the credibility of the United Nations would be dangerously weakened.

6. The situation in Africa also gave cause for deep concern; several African countries continued to be undermined by armed conflicts that seriously affected the living conditions, security and basic rights of the civilian population. He wondered what the Commission had done to stop so much suffering.

7. Elsewhere, a resurgence of new forms of violence, discrimination and extremism had been noted in a number of countries; the United Nations 1993 Report on the World Social Situation had found a deterioration in the standard of living of large segments of the world population and, according to the reports of the United Nations High Commissioner for Refugees, the number of refugees and displaced persons around the world was growing incessantly. In industrialized countries and developing countries alike, unemployment had taken on alarming proportions and, even in the wealthy countries, serious thought was being given to reducing social protection. According to Freedom House, the number of persons living in free societies had declined in 1993, whereas the number of persons refused basic liberties had grown. Those reports showed that, notwithstanding the progress made, the Commission must redouble its efforts to promote and ensure respect for human rights in their totality throughout the world.

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Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted without a vote resolution 1993/5, dated 19 February 1993, in which, inter alia, it reaffirmed that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States. The Commission urged all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State; it called upon all States that had not yet done so to consider taking early action to accede to or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; and requested the Special Rapporteur to report to the Commission at its fiftieth session on all further developments concerning the use of mercenaries, wherever this may occur.

2. At the same session, the Commission on Human Rights also adopted without a vote resolution 1993/48, dated 9 March 1993, in which, inter alia, it requested all special rapporteurs and working groups to continue paying particular attention, in their forthcoming reports to the Commission, to the adverse effect on the enjoyment of human rights of the acts of violence committed in many countries by armed groups that spread terror among the population and by drug traffickers.

3. Previously, in decision 1992/225, of 20 July 1992, the Economic and Social Council had approved the Commission's decision to extend the mandate of the Special Rapporteur for three years to enable him to carry out further studies on the use of mercenaries and make the appropriate recommendations to the Commission.

4. In December 1993, the General Assembly adopted a resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. In this resolution, the Assembly, inter alia, condemned the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination (para. 2). The Assembly reaffirmed that the use of mercenaries and their recruitment, financing and training were offences of grave concern to all States and violated the purposes and principles enshrined in the Charter of the United Nations (para. 3).

5. The General Assembly urged all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both legislative and administrative measures, that the territory of those States and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation (para. 5).

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

22. Mr. FALL (Under-Secretary-General for Human Rights) said that the composition of the delegations and the list of eminent personalities participating in the work of the Commission gave a clear indication of the great interest that member States and observer States, international institutions and organizations and non-governmental organizations attached to the Commission.

23. He recalled that 1993 had marked the starting-point of a new era of human rights, as evidenced by the holding of the World Conference on Human Rights and the adoption of the Vienna Declaration and Programme of Action; the convening of the forty-eighth session of the General Assembly, at which the post of United Nations High Commissioner for Human Rights had been created; the establishment of an international tribunal to judge war crimes in the former Yugoslavia; the conclusion of the Washington agreement on interim self-government arrangements in Gaza and Jericho; and the setting up in South Africa of the Transitional Executive Council and the ratification of the intermediary constitution.

24. The key words of that new era, which would serve as guidelines for future action by the international community, were: a global and integrated approach to human rights; coordination and strengthening of the work of the United Nations; universal ratification; the central integration of the fundamental rights of women; the protection of the rights of the child, indigenous populations and vulnerable groups; and the promotion of the culture of human rights through technical assistance, education and the fight against racism and racial discrimination.

25. The World Conference had entrusted the Commission with a major task: to "consider ways and means for the full implementation, without delay, of the recommendations" of the World Conference and to review annually the progress made towards that end. Eight months having passed since the Vienna Declaration, he would attempt to summarize certain aspects of the situation.

26. The Vienna Declaration and Programme of Action called for the promotion and implementation of a global and integrated approach to questions relating to human rights, in a spirit of objectivity and non-selectivity. That approach postulated that equal dignity and equal importance should be attached to all civil, cultural, economic, political and social rights, in conformity with the universality, indivisibility and interdependency of those rights. To make that global approach a reality, the current imbalance in the treatment of economic, social and cultural rights would have to be corrected, in particular on the standard-setting level of the minimum material content of those rights, at the procedural level of their protection and from the point of view of the operational evaluation of the parameters of their domestic and international realization.

27. The work of the Committee on Economic, Social and Cultural Rights, the basic research already undertaken, the mission of the Working Group on the Right to Development and a number of initiatives taken by the Committee on the Rights of the Child indicated that progress had been made and pointed the way to future efforts. But if economic, social and cultural rights were to break

out of the theoretical speculations and generalizations in which they were all too often confined, and if an effective promotion and protection of those rights was to begin, much more courageous initiatives must follow.

28. Within the framework of its plan of action to implement the Vienna Declaration and Programme of Action, the Centre for Human Rights had selected a series of practical measures intended to enhance the importance given to the right to development and to economic, social and cultural rights. Like all the proposed activities of the Centre, that plan had not received from the General Assembly the financial support that had been hoped for; nevertheless, he was convinced that all possible efforts should be made to implement it. To that end, he had decided to establish within the Centre for Human Rights a focal point, composed of a limited number of professional staff members, the essential purpose of which would be to find ways of implementing those practical measures and to provide support to the secretariats of the Working Group on the Right to Development and the Committee on Economic, Social and Cultural Rights. The focal point would also coordinate the Centre's policy on economic, social and cultural rights.

29. The overall objective was to work towards a comprehensive and integrated approach to human rights, as called for by the World Conference on Human Rights, and that could be achieved only through enhanced cooperation among all the parties involved. The human rights treaty bodies and their chairpersons could contribute by coordinating more closely their monitoring and assistance activities. The growing number of special rapporteurs and representatives, independent experts and working groups would also benefit from increased harmonization and rationalization of their work.

30. To that end, periodic meetings, the first to be held at the end of May 1994, would be organized for the purpose of discussing issues of common interest, setting up an overall schedule of activities and improving coordination between the various missions and the reports to be submitted to the General Assembly and the Commission.

31. A comprehensive approach implied further that the various competent bodies and institutions within the United Nations system must ensure, regularly and through joint efforts, the harmonization of their human rights policies. In that connection, he welcomed the decision by the Secretary-General, in application of the Vienna Declaration and Programme of Action, to place on the agenda of the next meeting of the Administrative Committee on Coordination (ACC) the question of the strengthening of inter-agency cooperation in the field of human rights.

32. He was certain that, for its part, the Commission would not fail to take practical steps towards attaining a comprehensive and integrated approach to human rights.

33. The ratification of human rights instruments and the effective implementation of their provisions were fundamental in a world that aspired to the rule of law and the safeguard of fundamental freedoms. All those concerned must thus work together to achieve the rapid and universal ratification of the six basic human rights instruments. In cooperation with other organs and agencies, the Centre for Human Rights had begun to study ways

to achieve that objective and would be submitting financial estimates and a schedule of implementation to the Secretary-General for his approval. He was confident that the Commission, at its current and future sessions, would do its utmost to contribute to that effort.

34. In that connection, he wondered whether it was too much to ask that States members of the Commission, or those wishing to become, should demonstrate their commitment to human rights by taking the necessary steps to ratify the basic human rights instruments. Perhaps the Commission might, in the future, encourage every State participating in its work to devote part of its statement to a report on its progress towards ratification. The unsatisfactory number of ratifications of international instruments in general, and of human rights instruments in particular, was often due as much to a lack of political will on the part of Governments as to the obstacles posed by a slow-moving bureaucracy and the lack of administrative follow-up.

35. One of the priorities defined by the World Conference on Human Rights was the full realization of the fundamental rights of women, which should be an integral aspect of United Nations human rights activities. Particular concern about violence against women had been expressed repeatedly in the preparatory process for the World Conference and at the Conference itself. In its resolution 1993/46, the Commission had requested all its special rapporteurs and working groups to include in their reports available information on human rights violations affecting women. It had also decided in principle to appoint in 1994 a special rapporteur on violence against women. Moreover, the General Assembly had adopted, by its resolution 48/104, the Declaration on the Elimination of Violence against Women. The Commission thus had an appropriate legal framework in which to pursue its consideration of the issue, including the appointment of a special rapporteur who, it was widely felt, should be a woman.

36. The elimination of all forms of discrimination against women was necessary in order to achieve real equality between men and women at all levels. Emphasis should be placed on informing and educating women on the use of the mechanisms available for monitoring existing rights and enlarging their scope. Special attention should be paid to the economic promotion of women.

37. All activities designed to improve the status of women required enhanced coordination between the competent bodies of the United Nations system, the geographic dispersal of which made the task all the more difficult. However, working meetings had been held with the various bodies concerned for the purpose of a concerted implementation of the provisions of the Vienna Programme of Action that related to women's rights. In addition, a focal point had been created in the Centre for Human Rights to ensure the coordination of activities relating to women's fundamental rights. The Centre would also be playing an active role in the preparations for the World Conference on Women, to be held in Beijing, and hoped to ensure that the objectives of the Vienna Declaration in that regard would be included in the Conference agenda.

38. The World Conference on Human Rights had emphasized the importance of promoting and protecting the rights of the child and had defined three precise objectives in that regard: universal ratification of the Convention on the Rights of the Child by 1995; effective implementation of the Plan of Action adopted at the World Summit for Children; and enhancement of effectiveness of the Committee on the Rights of the Child.

39. Safeguards had to be provided for children who were victims of armed conflict or drug traffic and for abandoned children. At its last session, the General Assembly had asked the Secretary-General to appoint an expert to study the question of protecting children in armed conflicts, in collaboration with the Centre for Human Rights and the United Nations Children's Fund (UNICEF). An interim report would be submitted to the General Assembly and the Commission had been invited to consider it at its fifty-first session.

40. The General Assembly had also requested that the Commission's and Sub-Commission's special rapporteurs and representatives and working groups should pay particular attention to the plight of street children. It had endorsed the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and had requested the Commission to consider establishing a working group to study, in cooperation with the Special Rapporteur, the elaboration of guidelines for a possible draft convention on the topic.

41. To strengthen coordination between the various organizations involved in protecting the rights of the child, a focal point was being set up in the Centre for Human Rights. A joint working plan on the rights of the child (Centre for Human Rights/UNICEF) had just been approved and the Director-General of UNICEF would address the Commission at its current session.

42. The previous year - the International Year of the World's Indigenous People - and the beginning of the current one had demonstrated the extreme social and political marginalization of indigenous people in numerous countries, the grave and massive violations of their human rights and the systematic, violent and sometimes bloody repression to which they were subjected, all in an atmosphere of general indifference. The International Decade of the World's Indigenous People, which was to begin on 10 December 1994, was thus of particular importance in that it would provide the framework for action to ensure the economic, social and cultural well-being of those people.

43. The General Assembly had requested the Secretary-General to establish a voluntary fund for the Decade and had asked the Commission to give priority consideration to setting up a permanent forum for indigenous people in the United Nations system. In addition, the Commission should consider the renewal and updating of the mandate of the Working Group on Indigenous Populations. With those efforts, and the necessary political will, the Decade would be able to achieve its goals.

In addition to offices located at 215 W. 17th Avenue in Miami, this terrorist gang has a training camp in Fakahatche Park, in Collier County, 120 miles west of Miami, and a camp at 40th Street and 137th Avenue, also in Miami.

Two members of this group, Gustavo Rodríguez Souza and Tomás Ramos, were arrested in October 1990 while attempting to enter Cuba illegally at a point on the north coast of Havana province; an inflatable dinghy and numerous weapons with which they intended to carry out acts of sabotage and assassination attempts against President Fidel Castro and the Minister of the Revolutionary Armed Forces, General Raúl Castro, were also seized.

In October 1992 in Cay Anguila, the Bahamas authorities detained the vessel Nautilus and arrested Rubén Darío López, Iván León Rojas and Jesús Morales García for unlawful possession of weapons and explosives and facilitating a military operation against a foreign State. In the same month, the saboteurs Gustavo David Triana Aguado, Miguel Angel Alfonso González and Eduardo González Torres were arrested while attempting to enter Cuban territory; they had sailed out of one of the access channels to the Miami River on board the Nautilus, which they had left to enter Cuban territory when it reached Cabo Francés.

In early February 1993, the United States authorities arrested, to the south of Miami, the following members of this terrorist gang - Oscar Francisco Pérez, Enrique J. Rabade, Pastor Guzmán Cruz, Santiago Burgos and Iván León Rojas - on board a vessel loaded with heavy machine-guns, rifles, grenade-launchers and 10,000 rounds of ammunition which, according to a statement made by one of the terrorists to a United States Federal agent, were to be handed over to alleged members of the group established in Cuba.

On 5 February 1993, the leader of the group, Sergio González Rosquete, stated at a press conference that this terrorist gang was "one of the most active paramilitary groups on United States territory" and claimed to have links with terrorists inside Cuba.

At a press conference, on 18 March 1993, one of the members of the group threatened to carry out further terrorist actions against Cuba.

Another terrorist group which has carried out numerous subversive activities against Cuba is the so-called "Comandos L" group. Its leader was the notorious terrorist Antonio Cuesta, now deceased; his associates were José Dauzá, Ramón Font, Laureano Borges, Rolando Nieves and Anthony Bryant, a United States citizen who was sentenced by Cuban courts to 12 years' imprisonment for hijacking a United States commercial airliner in 1969.

This gang has attacked defenceless fishermen's villages, merchant vessels anchored in the ports of Matanzas and Havana, and tourist facilities. It has also attempted to assassinate the President of the Council of State and Ministers of the Republic of Cuba, Fidel Castro,

and other high government officials, to which end, in December 1991, it infiltrated into Cuban territory three units equipped and armed to carry out this plan.

On 8 February 1992, members of this group attempted to attack a number of merchant vessels moored in the port of Havana; when intercepted by Cuban surface units, they fled after firing at them with heavy weapons and rifles. Two days later, a member of this group publicly stated that they had carried out attacks with medium-range missiles against Cuban vessels along our coasts.

On 4 July 1992, the terrorists Anthony Bryant, Eugenio Llamera, Alejando Basilio Pérez and Guillermo Casasus fired at a sailing ship in Cuban territorial waters. Some days later, it was reported in Florida that United States Coast Guard officials had confiscated from these individuals a number of rifles and a videotape made during this terrorist act, after they had been rescued by the Coast Guard cutter Maui at a point seven miles north of Matanzas, in violation of our territorial waters.

On 6 July 1992, the leader of the group revealed that it had carried out six other attacks against Cuba and boasted that no pressure had been brought to bear on him by the Government of the United States or the FBI to put an end to his activities against Cuba.

On 1 October 1992 a group led by Anthony Bryant fired a number of shots at the Meliá Varadero Hotel. Responsibility for the action was claimed by the head of the so-called "Comandos L", who shamelessly described it as a successful operation against a "military target" on the Cuban coast.

On 7 January 1993, one day after having been acquitted by Federal Circuit Judge James Lawrence King on charges of possession of weapons, Anthony Bryant publicly admitted his involvement in the attack on the Meliá Varadero and threatened to carry out further attacks against Cuban facilities, including hotels and tourist centres. During the same month, Bryant toured New Jersey to raise funds in order to pursue his activities and threatened to carry out reprisals against any tourists who visited Cuba.

Other activities of this group have been carried out by Rolando Nieves Machado, alias "Patilla", who lives at 2881 NW 5th Street, Miami, Florida, 33125; in order to carry out his criminal plans, he has had at his disposal powerful explosives, various types of weapon and a high-speed launch, moored in Key Marathon and used to attack Cuban vessels and vessels of other nationalities, in both national and international waters. The plans also involved Nelsy Ignacio Castro Matos, Reynaldo Aquit Manrique, alias "Chino", and Miriam Ortega.

On 14 December 1990, Tomás Ramos Rodríguez and Gustavo Rodríguez Sosa were arrested on Cuban territory. They had been trained by Rolando Nieves Machado and counselled by the former CIA officer Frank Sturgis in order to carry out acts of terrorism in Cuba.

58. It was the Commission's task to address and help to eradicate the numerous violations of human rights in many parts of the world. It should never forget the victims of human rights violations, who looked to it to relieve their ghastly plight. The spirit of open dialogue and compromise should continue in the common effort to eradicate human rights violations.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1994/1/Rev.1 and Add.1, E/CN.4/1994/89 and 90)

59. The CHAIRMAN requested those members of the Commission who had comments to make on the provisional agenda or suggestions concerning it to submit them in writing to the Secretary, so that the officers of the Commission could consider them before the provisional agenda was submitted for adoption.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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Statement by the Chairman of the Executive Committee of the Palestine Liberation Organization

Statement by the Prime Minister of the Islamic Republic of Pakistan

Organization of the work of the session

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GE.94-10544 (E)

The meeting was called to order at 10.20 a.m.

STATEMENT BY THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE PALESTINE LIBERATION ORGANIZATION

1. The CHAIRMAN invited the Chairman of the Executive Committee of the Palestine Liberation Organization to address the Commission.

2. Mr. ARAFAT (Palestine Liberation Organization) said that the fiftieth session of the Commission on Human Rights was being held at a turning point in history, when the cold war was being replaced by numerous regional and internal conflicts in Asia, Africa, Europe and Latin America. Meanwhile, the conflicts in the Middle East had not fully subsided and human rights violations continued to occur. Perhaps the most atrocious human rights violations were those committed in time of war and under foreign occupation, which was the result of war. Regardless of the changing nature or scope of war - whether it was the cold war or the more recent regional or internal conflicts - the one constant was that man was always the victim. Human beings continued to suffer during the transition from one kind of war to another.

3. The Palestinian commitment to human rights and democratic freedoms, international law and the principles of the Charter of the United Nations, was reflected in the decision taken, on 30 September 1993, to establish a Supreme Palestinian National Authority for Human Rights. The Authority would function as an independent body responsible for guaranteeing the exercise of human rights under Palestinian law and regulations in all bodies and machinery of the Palestinian Self-Government Authority. It would be composed of Palestinian jurists and headed by a Palestinian citizen, Dr. Hanan Ashrawi.

4. Grave and systematic human rights violations persisted throughout the world, including torture and other inhuman treatment, deliberate killings and murder, arbitrary execution, arrest and detention without trial, racism and racial discrimination, apartheid, and violations connected with the rise of xenophobia and neo-nazism. Peoples were still being deprived of their national economic, social and cultural rights and the right to self-determination under foreign occupation and foreign domination, or as a result of poverty, religious fanaticism, terrorism and State terrorism. Discrimination against women persisted and the rule of law was absent from many places.

5. In that context, the Palestine Liberation Organization welcomed the adoption of the Vienna Declaration and Programme of Action by the World Conference on Human Rights, held at Vienna in 1993, and its endorsement by the United Nations General Assembly.

6. In his addresses to previous sessions of the Commission, he had described the policies which sought to justify human rights violations in order to impose supremacy. He had also recounted the suffering of the Palestinian people under Israeli occupation. His people continued to suffer violations of all its human rights and fundamental freedoms. It had been subjected to deliberate killings, torture, arbitrary detention and deportation, the confiscation of its lands for the establishment of Jewish settlements, and the imposition of collective sanctions. School curricula had been sabotaged,

schools and universities had been closed and trade unions dissolved. The Palestinian national economy had been destroyed. In addition, the isolation of the Holy City of Jerusalem represented a violation of his people's cultural and religious rights.

7. For over a quarter of century, the Commission had been condemning that painful reality and calling for the withdrawal of Israeli forces from the occupied Palestinian territories, including Jerusalem, and the other Arab territories occupied by force in 1967. Its condemnation had been expressed in the many resolutions it had adopted and, at its forty-ninth session, by the appointment of a special rapporteur to investigate Israeli violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

8. The Palestinian people, which for decades had been making sacrifices to recover its homeland and its usurped rights, longed desperately for peace. It firmly believed that there could be no peace where there was occupation, aggression or a denial of rights. In that spirit, it had always welcomed all international peace initiatives, including the Peace Conference on the Middle East, held at Madrid, the negotiations at Washington and Oslo and the agreement on a Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 between the Palestine Liberation Organization and the Government of Israel, and the mutual recognition declared by Israel and the PLO.

9. The signing of the Declaration had been an initial expression of good will, of the intention to establish a peace based on justice and respect for human rights and of the desire to put the past behind, with all its tragedies, conflicts, enmity and hostilities. Such a peace would provide vast opportunities for cooperative relations between the Palestinian and the Israeli peoples, based on good neighbourliness, mutual respect and the settlement of disputes by peaceful means, including dialogue and arbitration. The signing of the Declaration, under the auspices of President Clinton of the United States of America, in the presence of the co-sponsors of the Madrid Conference - the United States and the Russian Federation - and with the blessing of the entire world, thus constituted the first step towards a comprehensive and just settlement of the Middle East conflict based on the implementation of Security Council resolutions 242 (1967) and 338 (1973).

10. The Declaration of Principles formed the basis for launching negotiations on a provisional Palestinian government with a view to establishing the Palestinian Self-Government Authority. The process would begin with the direct withdrawal of Israeli forces from the Gaza Strip and the Jericho area. Three years later, negotiations would begin on, inter alia, the issues of refugees, borders and settlements, with the ultimate objective of enabling the Palestinian people to exercise its right to self-determination and to establish an independent State with Jerusalem as its capital.

11. The PLO had embarked upon the negotiations in good faith and would continue them in the same spirit. The PLO hoped that the Government of Israel would display the same good will and would translate it into a full commitment to the contents of the Declaration and put an end to all human rights

violations in the Palestinian territory. That would help to build confidence among the Palestinian people and create a climate conducive to the faithful implementation of the Declaration.

12. It was notorious that that objective had not been achieved so far. Even since the signing of the Declaration, Palestinians had been killed by the occupying forces and by Israeli settlers. Palestinian youths were still being injured; arbitrary arrests and detentions were still taking place; over 14,000 Palestinians were still being held in Israeli prisons and detention camps; homes were still being demolished; and collective sanctions and curfews were still being widely imposed in the occupied territories. Land continued to be confiscated for the building of settlements and blockades were imposed to isolate the Holy City of Jerusalem. The persistence of violence in the occupied territories created a negative impression among Palestinians and the other peoples of the region and cast doubts on Israel's seriousness in implementing the agreement.

13. He and Mr. Peres, the Israeli Minister for Foreign Affairs, had just met for two days of uninterrupted talks at Davos. He sincerely hoped that when they met at Cairo - following the one week break requested by Mr. Peres - they would be able to sign the Davos agreement and discuss its implementation. He hoped that the Israeli withdrawal from the Gaza Strip and Jericho area could be implemented and that Israeli forces could be redeployed in the West Bank and the Gaza Strip in accordance with the Declaration of Principles.

14. The PLO firmly believed in the peace process and would oppose any obstacle set against it. He hoped that the Israelis would understand the human rights implications of the Declaration, and would discontinue their previous practices and implement the provisions of the Fourth Geneva Convention and the principles of international law.

15. In the light of recent developments, the international community must continue to assume its responsibility in relation to the question of Palestine. The Commission should continue to provide the Palestinian people with vital international legal protection during the transition phase, while Israeli forces were still present on parts of Palestinian territory. The United Nations and its specialized organs and machinery would retain that responsibility until such time as the Palestinian people recovered their right to repatriation, self-determination and independence.

16. He wished to stress that the peace process should be based solely on universally accepted provisions of international law for the peaceful solution of disputes between States. The PLO would lend its full support to the peace process in the hope that its successful outcome would guarantee future generations of Palestinians a life of peace, security, stability and freedom.

STATEMENT BY THE PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN

17. The CHAIRMAN invited the Prime Minister of the Islamic Republic of Pakistan to address the Commission.

18. Mrs. BHUTTO (Pakistan) said that the Commission was the repository of hope for the planet, the voice of the powerless, the hungry and the oppressed. It was the champion of God's most noble cause. She took the opportunity to convey her personal gratitude to all human rights activists, some of whom were currently present and many of whom had worked bravely to secure her release from prison during the darkest years of the dictatorship in her country. Wearing as she did the scars on her soul of the abuse of basic human rights, she thus viewed oppression through the eyes of the victim.

19. Extraordinary progress had been made in the area of human rights over the past decade. Her very appearance in the Commission, as the democratically elected woman Prime Minister of the Islamic Republic of Pakistan, bore testimony to the dramatic changes that Pakistan and much of the world was undergoing. Pakistan's last elections had seen the forces of moderation triumph decisively. Yet there and elsewhere, democracy needed to be nurtured and sustained by rapid economic and social progress.

20. Salvation had not appeared on earth with the crumbling of the Berlin Wall. Even among the rapidly expanding community of democratic countries, there was often indifference, hypocrisy and lingering prejudice. A single moral standard was not always applied to all the peoples, cultures and religions of the world.

21. Unfortunately, events had taken a different turn in the past two years. Instead of peace, conflicts raged across the globe. Instead of solidarity, there had been an erosion of international cooperation. Instead of democracy, there had been a resurrection of fascism and extremism in almost every part of the world. Many States continued to pursue policies of domination. The promised "peace dividend" was nowhere in sight. The conflicts of the past had returned, becoming the manifestations of a new world disorder. The danger of nuclear war had eased, but it had not been eliminated. Meanwhile, in parts of the third world, societies were disintegrating, and States were falling under the pressure of poverty, corruption and war.

22. Communism had not been defeated by capitalism or by the forces of NATO, but by humanism. In the words of President Havel of the Czech Republic, it had been defeated by a revolt of human individuality against imprisonment within a uniform ideology.

23. Democracy was the first step towards the liberation of mankind. Freedom depended on social and economic justice and above all on the universal and non-selective application of human rights to all the citizens of the world. Economic development and political development were surely linked, but both were predicated on guaranteed human rights.

24. Human rights were still being violated extensively, and often with impunity, in almost every part of the world. The international community must not accept the fact that some States were committing genocide to preserve their so-called territorial integrity; it must not accept repression just because those being repressed belonged to minorities, alien cultures or other religions; it must not accept the daily killing just because those close to home were safe; it must not accept the inequity and disparity in living standards among and within nations.

25. Even as the Commission met, massacres were taking place in many regions of the globe. Every day, almost 50,000 people, mostly innocent children, died of hunger, malnutrition and poverty. If the international community could not act to stop that massive daily violation of the most fundamental of human rights, the right to life itself, it had no hope of realizing the ambitious human rights standards prescribed by the United Nations Charter. The right to a life of dignity was denied to more than one and half billion people throughout the world. Those forgotten human beings had the same dreams as anyone else, the same hopes for their children, the same right to security and the same right to live and to love. They were often too weak sustenance and too defeated to demand justice. If the international community did not empower, feed and care for them, its conscience would never be clear.

26. As one millennium came to a close and another was about to begin, the world was once again witnessing mankind's greatest calamity, the act of genocide, which had been perpetrated for the past two years against the people of Bosnia. The peace conference sponsored by the European Community had approved some high-sounding principles, but it had failed to stop the aggressor. The Security Council had not helped the victims of aggression, and humanitarian aid had become an excuse to avoid collective action against the aggressor. The sovereignty and territorial integrity of Bosnia must be preserved, and the consequences of ethnic cleansing reversed.

27. She was proud to announce that her country had made a contribution of $1 million to the United Nations International Tribunal for the prosecution of violations of humanitarian law in the former Yugoslavia, or 25 per cent of the funds raised from all countries to date. Although relatively poor, Pakistan was prepared to assist in the search for justice.

28. The recent liberation of so many nations from foreign bondage had strengthened the hunger for freedom in others. The people of Jammu and Kashmir was a case in point. Two thirds of Kashmir had remained under Indian occupation for the last 45 years. India had first accepted, but then refused to implement Security Council resolutions calling for a plebiscite under United Nations auspices.

29. For the past four years, the people of Kashmir had bravely struggled to realize one of the most basic of all human rights, the right to self-determination. Six hundred thousand Indian troops had been deployed to suppress the Kashmiri aspiration for freedom. The Indian campaign of gross human rights violations was reminiscent of the darkest days of the holocaust.

30. A typical "operation" started with troops surrounding a Kashmiri village or town. The young men were separated and taken to detention centres for interrogation, where they were routinely tortured and maimed. Often they were summarily executed in staged "encounters". Their homes were invaded and their women dishonoured. Whole localities had been put to the torch. More than 40,000 Kashmiri men, women and children had died.

31. To divert the world's attention from its repression, India alleged that the Kashmiri freedom struggle was instigated and militarily assisted by Pakistan. Nothing could be further from the truth. Every kilometre along the Line of Control was guarded by 900 Indian soldiers and was heavily mined. It was virtually impossible for anyone to cross into Indian-held Kashmir.

32. To demonstrate that Indian accusations of cross-border movements were false, the Government of Pakistan had proposed that India allow the United Nations Military Observer Group for India and Pakistan to discharge its mandate of patrolling the Line of Control. India had refused; nor had it accepted Pakistan's proposal to station impartial observers on the Line of Control to verify its allegations. For its part, Pakistan was open to all human rights groups, media representatives, diplomats and political observers, who could see for themselves that the only camps there were those for refugees who had been tortured, maimed and dishonoured.

33. Despite its repression, India had failed to impose its will on the indomitable people of Jammu and Kashmir. Resistance had grown. The Kashmiri political leadership, representing more than 30 parties and groups, had unanimously declared that it would not contemplate any solution that implied the continuation of Indian rule. Its demand was simple: freedom. People could not be suppressed indefinitely. History taught that tyranny could not long endure.

34. Pakistan had agreed to talks with India in the past month in the hope that all aspects of the Jammu and Kashmir dispute could be meaningfully addressed. Her Government had stressed that India should seek a peaceful rather than a military solution to the Kashmir dispute and should take visible steps to reduce repression. Instead, the repression had intensified. Just two days after the announcement of the resumption of talks, 50 persons had been killed in Sopore and the whole town had been set on fire. Only 3 days previously, 20 innocent persons had been shot in Kupwara. The list of recorded massacres was long and was well documented by international organizations.

35. The situation in Kashmir was intolerable, as was the world's silence. She asked that the representatives of the Kashmiri people be allowed to come before the Commission to inform it of the oppression to which they were being subjected and urged the Commission to investigate those human rights violations. The time had come for the world community to prevail upon India to remove the additional forces it had put into Kashmir in order to conduct its campaign of repression; to release the imprisoned Kashmiri leaders and permit them to leave India and return freely to their homes in Kashmir; to lift the Draconian emergency laws allowing its army to commit all forms of atrocities in Kashmir with impunity; to provide full and free access to international human rights organizations and humanitarian agencies to visit Kashmir, so that they could see the suffering of the Kashmiri people for themselves; and to grant similar access to the international media, particularly television, so that the world could witness what was happening there. That was the least that could be expected of a country that claimed to be "the largest democracy" in the world.

36. A settlement of the Kashmir dispute based on the wishes of its people was the key to peace and progress in South Asia, home to one fifth of humanity. Pakistan wanted and needed peace with its neighbours. Resolution of the core issue of Kashmir would pave the way to the normalization of relations between Pakistan and India. Pakistan was committed to resolving the dispute through peaceful negotiations.

37. Her Government believed that the promotion of respect for human rights in Pakistan was essential to strengthening the country's democratic institutions. Its aim was to provide a life of dignity for its people. Too many Pakistanis still languished in poverty and too many were illiterate. Her Government sought to ensure the rights of women and their full participation in society; to provide full protection of the country's children; and to safeguard the basic rights of minorities.

38. In the post-cold-war era, attitudes must change to bring about international solidarity between the rich and the poor, the East and the West, the North and the South and between the civilizations of Christianity, Judaism, Islam, Hinduism and Buddhism. The world must not succumb to the thesis that confrontation, conflict and the clash of civilizations were inevitable. They were not.

39. Mr. CHANDRA (India), speaking on a point of order, said that, although he was aware that the Bureau intended to recommend that all rights of reply should be exercised at the end of the last meeting of the day, he wished nevertheless to request permission to speak in exercise of the right of reply. The statement just made by the Prime Minister of Pakistan had been a highly political one, filled with distortions and inaccuracies, and required an immediate rebuttal.

40. Mr. AKHUND (Pakistan) said that he supported the Indian representative's request to speak in exercise of the right of reply, provided that the same right was accorded to his own delegation.

41. The CHAIRMAN said that the Bureau had decided that all rights of reply would be exercised at the end of the day, and he was not prepared to authorize any derogation from that decision.

ORGANIZATION OF THE WORK OF THE SESSION (item 3 of the provisional agenda)

42. The CHAIRMAN said that the members of the Bureau had met the previous day to consider the organization of work of the session. It had discussed in detail how the Commission could best conduct its work, particularly in view of its heavy provisional agenda. As a result of those discussions, he submitted to the Commission a number of recommendations agreed upon by the Bureau concerning the organization of work, including a provisional timetable.

43. The Bureau recommended inter alia that, in accordance with General Assembly resolution 47/237, the question of the International Year of the Family, currently listed as item 23 of the provisional agenda, should become sub-item (e) of agenda item 11 and that the proposed new item entitled

"Practices of ethnic cleansing in situations of internal conflict" should not be included as a separate agenda item, pending consultations within the Eastern European Group.

44. In its resolution 48/163, the General Assembly had requested that priority consideration should be given by the Commission to the establishment of a permanent forum for indigenous people in the United Nations system. The Bureau recommended that further consultations should be held on that matter.

45. The Bureau recommended that a new item entitled "The follow-up to the World Conference on Human Rights" should be added to the Commission's agenda and had decided to consider the issues of Guatemala and El Salvador at its next meeting, after consultations with the Latin American regional group.

46. With regard to speaking time, the Bureau made the following recommendations: members of the Commission should be limited to one statement of 15 minutes or two statements of 10 minutes per item or group of items; observers and non-governmental organizations should be limited to one statement of 10 minutes per item or group of items; observer States and liberation movements mentioned in the Commission's reports should be limited to one statement of 15 minutes or two statements of 10 minutes under the item concerned; and participants speaking in exercise of the right of reply should be limited to 2 replies, 5 minutes for the first and 3 minutes for the second. The Bureau had agreed that all rights of reply would be exercised at the end of the last meeting of the day.

47. In view of the time constraints arising from its heavy agenda, the Bureau recommended that the Commission should waive the requirement of a quorum, as set forth in rule 40 of the rules of procedure of the functional commissions of the Economic and Social Council.

48. In conformity with past practice, the Bureau recommended that the relevant special rapporteurs and representatives, chairmen and independent experts should be invited to introduce the agenda items related to their work.

49. The Bureau further recommended that the Commission should approve two additional meetings, to be held concurrently with the plenary meetings: one meeting for the working group established under item 10 (d) (Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), to be held on 3 February 1994, in the morning; and one meeting for the working group established under item 21 (Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms), to be held on 28 February 1994, in the afternoon.

50. Mr. PEREZ NOVOA (Cuba) said that, according to the provisional timetable, only 10 meetings had been assigned to item 10 (Question of the human rights of all persons subjected to any form of detention or imprisonment), only 3 meetings had been assigned to item 11 (Further promotion and encouragement of human rights and fundamental freedoms,

including the question of the programme and methods of work of the Commission), and only 2 meetings - towards the end of the session - to item 22 (Rights of the child). In view of the importance of those items, the provisional timetable would seem to need some readjustment.

51. While fully sharing the concern that time should be used efficiently, he found it difficult to endorse the Bureau's recommendation that the Commission should begin its meetings in the absence of a quorum. Starting a meeting in an almost empty room would hardly be a positive symbol to present to the world He hoped that, in the interest of transparency, the recommendation could be discussed further by the regional groups.

52. The CHAIRMAN said that the draft timetable for consideration of the agenda items was flexible and could be changed if the need arose.

53. The Bureau had been unanimous in its recommendation that the Commission should waive the requirement of a quorum to start a meeting, the precedent for which had been set by the General Assembly. Such an action would undoubtedly save time and increase the efficiency of the Commission's work, and that would certainly be a positive symbol. It would be difficult for him at that stage to ask the regional groups to consider the issue and he hoped that the representative of Cuba would not press the point.

54. If he heard no further objections, he would take it that the Commission wished to approve the Bureau's recommendations, on the understanding that it would revert, as appropriate, to certain issues that he had mentioned.

55. It was so decided.

56. The CHAIRMAN said that, pending the adoption of the agenda, he took it that the Commission was willing to begin consideration of items 4 and 9 of the provisional agenda.

57. It was so decided.

The meeting rose at 12.50 p.m.